

STATE OF COLORADO

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Colorado Department
 of Public Health
 and Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

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Date: January 5, 2012
 To: Administrators of Community Clinics and General Hospitals
 From: Lorraine Dixon-Jones, Policy Analyst
 Re: Community Clinic Regulations: Proposed Fees and Amendment to Plan Review Requirements

On December 20, 2011 the Department released a [regulatory proposal](#) regarding community clinics and indicated that it would be sending out proposed fees in early January 2012 for stakeholder review and comment. This memorandum addresses proposed fees, as well plan review and Life Safety Code requirements/surveys for certain clinics. Please provide any comments that you have on the issues addressed in this memorandum by January 18, 2012 via e-mail to Lorraine.dixon@state.co.us.

Proposed Fees. The table below outlines proposed fees for:

- primary care clinics.
- enhanced primary care clinics that provide anesthesia, but only nitrous oxide as an anxiolytic.
- enhanced primary clinics that provide anesthesia and/or extended stays.
- community emergency centers.

Note that the fees for enhanced primary care clinics (other than those that only uses nitrous oxide) and the fees for community emergency centers are the same.

	Primary care	Enhanced primary care w/ only nitrous oxide	Enhanced primary care/ Emergency care
Initial licensure	\$2,450	\$2,550	\$3,100
Change of ownership	\$2,450	\$2,550	\$3,100
Renewal licensure	\$1,200	\$1,400	\$1,700
Assumptions			
Plan review	Optional unless meets ambulatory health care or health care occupancy	Yes	Yes
Initial survey	Health onsite	Health onsite	Health onsite
Renewal survey	Health onsite:* every 5 yrs LSC onsite: random sampling unless meets ambulatory health care or health care occupancy	Health onsite: every 3 yrs LSC onsite: every 3 yrs	Health onsite: every 3 yrs LSC onsite : every 3 yrs

** The onsite health survey will focus primarily on the facility's implementation of the quality management program. Other compliance aspects would be reviewed if triggered.*

The proposed fees reflect an increase from current levels. Current fees are \$360 for initial licensure, renewal, and change of ownership.

Plan Review for Primary Care Clinics. Current language requires community clinics to undergo plan review. The proposed regulation draft dated 12/19/11 exempts primary care clinics seeking initial licensure that were in operation before May 1, 2012 from plan review (see § 4.101 (1)(a)(i)). The Department is amending the proposed regulation (see Amendment below) to make plan review optional for primary care clinics that are not subject to the provisions of the ambulatory health care occupancy chapter or health care occupancy chapter. As such, for these clinics, plan review is optional for initial licensure, additions, relocations, and remodeling whether or not the clinic was in operation as of May 1, 2012.

Amendment

{Amendments to the 12/19/11 draft are shown in SMALL CAP and ~~strike type.~~}

4.101. PLAN REVIEW AND PLAN REVIEW FEES. This Section 4.101 applies to community clinics with the exception of clinics operated in prisons and school-based clinics subject to construction plan review by the Division of Fire Safety, pursuant to C.R.S. 24-33.5-1203(1)(p)(20100. IN ADDITION, PLAN REVIEW IS OPTIONAL FOR PRIMARY CARE CLINICS UNLESS THE SERVICES PROVIDED BY THE FACILITY LEAD TO A DETERMINATION BY THE DEPARTMENT THAT THE FACILITY SHALL MEET AMBULATORY HEALTH CARE OCCUPANCY OR HEALTH CARE OCCUPANCY. *{Explanatory note: it is anticipated that the vast majority of primary care clinics will be determined to be Business Occupancies. However, some facilities may be determined to be Ambulatory Health Care Occupancies if the services provided impede the capacity for self-preservation, such as the use of MRIs. At this time, there are no known scenarios that would lead to a primary care clinic being determined a Health Care Occupancy.}*

Plan review and plan review fees are required as listed below. If the facility has been approved by the Department to use more than one building for the direct care of patients on its campus, each building is subject to the applicable base fee plus square footage costs, or in the case of a qualifying community clinic, to the set fee. Fees are nonrefundable and shall be submitted prior to the Department initiating a plan review for a facility.

(1) Initial Licensure, Additions, Relocations

- (a) Plan review is applicable to the following, and includes new facility construction and new occupancy of existing structures:
 - (i) Applications for an initial license, when such initial license is not a change of ownership and the application is submitted on or after July 1, 2009; ~~except that primary care clinics in operation before May 1, 2012 that submit an initial license application before July 1, 2012 are not subject to plan review.~~

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Life Safety Code Requirements/Surveys for Primary Care Clinics. Note that the primary care clinic fees assume that facilities not subject to Ambulatory Health Care or Health Care Occupancy requirements will not undergo routine LSC surveys. However, primary care clinics will still be expected to meet the applicable chapter of the Life Safety Code and must attest that they are doing so as well as to the fact that they are not providing services that render patients incapable of recognizing an emergency and/or taking action for self-preservation in the event of an emergency. There will be random sampling of such clinics to ensure compliance with this attestation.